

ORDINANCE NO. 2018-03

**ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA ADDING CHAPTER
5-20-18 TO THE SAN JUAN BAUTISTA MUNICIPAL CODE REAUTHORIZING THE
COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND
GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY**

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WHEREAS, Section 5870(n) of the Public Utilities Code, which was enacted as part of the Digital Infrastructure and Video Competition Act of 2006, authorized the City to adopt an ordinance establishing a fee on state-franchised video service providers to support public, educational, and governmental access channel facilities; and,

WHEREAS, on November 24, 2009, the City Council approved the addition of Article 18, Chapter 5-20 of the San Juan Bautista City Code by adopting Ordinance 2009-05 that authorized the collection of a 3% PEG fee from video service providers with state-issued franchises that provide cable and video TV services within the City; and

WHEREAS, Section 5870(n) of the Public Utilities Code states that such an ordinance shall expire, and may be reauthorized upon the expiration of a state franchise; and

WHEREAS, the City’s state-issued franchise, Charter-Spectrum, was given a term of 10 years, which expired. It has renewed its state-issued franchise with the CPUC and has given the City an immediate deadline to reauthorize its ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. A new Section 5-20 -1836 is hereby added to the San Juan Bautista Municipal Code, to read as follows:

Chapter 5-20-1836 REAUTHORIZATION.

5-20-1836 Reauthorization.

This Chapter and the PEG support fee established in Section 5-20-1830, shall automatically be reauthorized upon the expiration and renewal of any existing or future state video franchise certificate held by any state franchisee operating within the City of San Juan Bautista pursuant to the terms of Public Utilities Code Section 5870(n).

SECTION 2. Severability. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 3. Environmental assessment. The City Council declares that the approval of this ordinance is not subject to the California Environmental Quality Act (“CEQA”) because pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); and, 15060 (c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively the approval of this ordinance is not a “Project” under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

SECTION 4. Effective date. This ordinance shall go into effect thirty days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 20th day of February, 2018, and was adopted at a regular meeting of the San Juan Bautista City Council on the 20th day of March, 2018, by the following vote:

AYES: West, Martorana, Boch, Freeman

NOES: None

ABSENT: DeVries

ABSTAIN: None

Jim West, Mayor

ATTEST:

Mackenzie Quaid, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney